

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	No.: 16-cr-10305-NMG
	)	
MARTIN GOTTESFELD	)	

DEFENDANT’S MOTION *IN LIMINE* TO EXCLUDE CIRCUMSTANCES OF ARREST

The defendant moves this Honorable Court to exclude evidence concerning the circumstances of the defendant’s arrest, including but not limited to evidence that in February 2016 Mr. Gottesfeld and his wife, Dana Gottesfeld, were picked up by a Disney cruise ship between Florida and Cuba after their boat experienced difficulties on the water. After learning that Mr. Gottesfeld had been rescued by the cruise ship, the government applied for a warrant upon which Mr. Gottesfeld was arrested on February 17, 2016. As grounds for this motion:

1. It is expected that the government will argue that the circumstances of Mr. Gottesfeld’s arrest are evidence of flight and consciousness of guilt. However, Mr. Gottesfeld was not charged with any offenses during these events and the government admits that Mr. Gottesfeld had no travel restrictions. See Testimony of Agent Jeffrey Williams, Transcript of Detention Hearing, April 27, 2016. Dkt No. 19 at 36.
2. The proffered evidence is irrelevant. FRE 401.
3. The proffered evidence is inadmissible bad character and bad act evidence to prove a propensity to commit the charged offenses. FRE 404(a)(1); 404(b)(1).
4. The probative value of the proffered evidence, if any, is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, and wasting time. FRE 403.
5. Exclusion is necessary to protect the defendant’s constitutional rights to due process of law and a fair trial under the Fifth Amendment to the United States Constitution.

Respectfully submitted,  
MARTIN GOTTESFELD  
By his attorney:

/s/ David J. Grimaldi

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DATE: June 29, 2018

CERTIFICATE OF SERVICE

I, David J. Grimaldi, hereby certify that true copies of this motion were served on all registered participants in this matter via ECF this 29th day of June 2018.

/s/ David J. Grimaldi

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David J. Grimaldi